

PRIVATE SECURITY ADVISORY COMMITTEE
Meeting Notes – No Quorum For Official Meeting
MADISON, WISCONSIN
June 6, 2000

PRESENT: Mark Kirch, James Martin, Shawn Smith (until 10:15), Dennis Brewer, Dejustice Coleman, Byron Bishop (arrived at 10:55), Mark Harder

EXCUSED: Hugh Martin, Edward Byrne, Jerry Antoon, Mark Riesinger, Oscar Mireles, Darlyne Barlow

STAFF PRESENT: Clete Hansen, Becky Fry; Secretary Marlene Cummings and William Black, Legal Counsel, for portions of the meeting.

GUESTS: Gerd Holdermann, Initial Security
Don Green, Milw-Metro Public Safety
Angela Clements, MPI
Jim Mankowski, Monona
Bob Segal, Fox News, Milwaukee
Allan Block, Fox News, Milwaukee

CALL TO ORDER

The meeting was called to order at 9:34 a.m. by Clete Hansen, Chair, upon confirmation that the public notice was timely given.

Mr. Hansen introduced Bob Segal from Fox News and clarified that the Committee was an advisory committee and not authorized to take final action on issues. The Committee is advisory to Secretary Cummings and offers suggestions and recommendations on policies and regulatory issues.

AGENDA

The agenda were informally approved.

MINUTES (4/6/00)

No Quorum. Therefore, no motion.

ADMINISTRATIVE REPORT

Bureau Director's Report

- Roster

Dennis Brewer indicated a correction to his email address: vip@execpc.com

- **Meeting Dates**

The next Advisory Committee meeting will be held on Thursday, September 14, 2000, at 9:30 a.m.

PROPOSED ADMINISTRATIVE RULES

Draft of April 28, 2000

Clete Hansen reported that the Private Security Advisory Committee is on record as supporting the draft.

The Committee received copies of the Notice of Public Hearing on administrative rules, scheduled for July 7, 2000, at 10:00 a.m., relating to peace officers, causes for denial, firearms permits, and firearms proficiency certifiers.

Mr. Hansen advised the Committee to indicate any suggestions or recommendations to the proposed rules either by attending the hearing or sending a letter to the department prior to two weeks after the hearing.

Mr. Hansen stated that any recommendations from the Committee on education requirements and classifications of private security persons would end up as a separate rule proposal.

The Committee discussed the clarification of Section 14 of the proposed rules regarding liability for a peace officer's use of a firearm while on duty for a private detective agency.

Mark Kirch stated that technically, the statutes provide an exemption from prosecution of a sworn peace officer who carries a concealed weapon, but the statutes do not authorize the carry of concealed weapons.

Shawn Smith suggested the creation of language that says if the peace officer has a firearms permit from the department, the security company would accept the liability for that peace officer carrying a firearm for the private detective agency.

Mark Kirch stated that the administrative code states that if a law enforcement officer is working as a private security person, it must be clearly written who is assuming the liability for that person's actions.

EDUCATION AND TRAINING OF PRIVATE SECURITY PERSONNEL

A Committee member indicated that he is in support of training for private security persons and he proposed that the burden should be on the state to create some type of

training mechanism for security persons. He proposed that a standard should be set for a fundamental training program for all security persons.

Some Committee members indicated that there is a need for different levels of security. Training should not be required for unskilled (night watchman). DAAT training could be required for intermediate-level people. Advanced-level people could be required to take training on firearms, baton, etc.

One Committee member explained that expense would be a problem for individual agencies to provide the training. He felt one type of training should be required for all private security persons. He questioned whether the expense could be offset by the customer.

A suggestion was made that a person doing higher-level executive protection and concealed-carry type of work should have documented training for that service.

A suggestion was made that if specialty work is advertised, credentials should be in place to assure training has been met to provide that service.

Secretary Cummings explained that the department licenses individuals for minimal competency. If a profession wants to provide advanced or specialized services, its members must apply to become certified after receiving required education and training to provide those advanced services.

Some Committee members agreed with the certification for advanced services, but indicated that at the present time stronger enforcement must be provided for unlicensed practice.

The Committee discussed executive protection and the carry of concealed weapons.

One Committee member indicated that training is important and is client-driven. The client will pay according to proven credentials.

Another Committee member indicated that enforcement is needed to assure agencies are complying with laws regarding licensing.

Clete Hansen reported that a private security person can not renew his or her permit unless the private security person is under the employment of a licensed agency. He stated that the department would like to have renewals for private security persons and agencies occur in alternate years to simplify renewal procedures.

A suggestion was made that only two levels of private security personnel would be needed: basic or entry level which would not require training but would have the person advance to a higher trained level as needed, and advanced-level which would include DAAT training, firearms, and executive protection. This is basically what the

department has now with licensed security persons and security persons with a firearms permit.

Dennis Brewer reported on an executive protection course he took in Virginia.

The following models were suggested for further review.

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| Model 1 | level 1 | basic licensure for entry level (no education required) |
| | Level 2 | certification for intermediate (DAAT training, pepper spray) |
| | Level 3 | certification for advanced (which would include firearms, baton, and executive protection). |
| Model 2 | Anyone who becomes a private security person must have some type of education and training before receiving a permit. | |
| Model 3 | Propose a change in the law to provide for a 90-day temporary permit for \$15. This model would allow an entry level security permit with no required education and allow a permanent permit upon completion of required education. | |

A concern was raised that the 90-day permit would work at cross purposes to what the Committee is trying to do to raise the level of training of the industry.

The Committee was in agreement that there is more unlicensed practice now than when the local enforcement agencies issued the permits due to the high cost to do criminal record checks and issue permits. Smaller agencies cannot afford the cost and are not always obtaining the required permits.

Byron Bishop indicated that his organization runs background checks prior to submitting the application to the department for a permit. He suggested the department credit a portion of the cost back to the agency for running their own background check. He also informed the Committee that the FBI now has on-line the capability to do NCIC name searches at no charge.

The Committee discussed the issue of agencies using ushers and event staff rather than permitted security persons to perform security services. The Committee discussed what types of situations make a person exempt from having a permit, such as ticket takers, ushers, parking attendants, and traffic control people. The Committee also discussed the type of uniform that is being used. It was agreed that more distinction is needed between the work that is provided by security persons and crowd control, ushers or event staff.

One person suggested that anyone that is put in service by a security agency should have a permit.

LEGISLATIVE UPDATE

Concealed Weapons

Clete Hansen informed the Committee that the Private Detective Advisory Committee would like to change the law to allow private detectives to carry concealed weapons.

The Committee reviewed the Private Detective Advisory Committee's proposed criteria, relating to the use of concealed weapons by private detectives. The Committee suggested that private security personnel not be permitted to carry a concealed weapon.

MISCELLANEOUS INFORMATION/CORRESPONDENCE

Retirement of Sheriff Tom Kocourek

Noted.

Light Bars on Vehicles

The Committee received a copy of the April 1993, Regulatory Digest article relating to colored flashing lights on security vehicles.

Clete Hansen referred to the April 6, 2000, Milwaukee Police Department letter to private security agencies and the February 15, 2000, informal opinion of an assistant attorney general as informational to the Committee.

The Committee discussed issues relating to private security vehicles being equipped with and the use of flashing colored lights.

William Black stated that as long as the lights are not flashing on public property and the lights are not red and/or blue, a light bar could be used (white or amber only). He stated that this has not been litigated and is an opinion based upon the wording of statute.

A Committee member questioned the renewal of permits and whether a permit renewed at this point in time was good for two years and two months. Clete Hansen clarified for the Committee that any new license issued during that two-month period before the renewal deadline does not expire until the end of the following biennium.

ADJOURNMENT

The meeting was informally adjourned at 11:50 a.m.